

Court Ex. #1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- v. -

SHAWN RAINS,

Defendant.

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: PRELIMINARY ORDER OF
FORFEITURE/
: MONEY JUDGMENT
:
: 22 Cr. 18-02 (NSR)

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WHEREAS, on or about January 11, 2022, SHAWN RAINS (the "Defendant"), and another, were charged in a Sealed Indictment, 22 Cr. 18 (the "Indictment"), with conspiracy to commit mail fraud, in violation of Title 18, United States Code, Section 1349 (Count One); mail fraud, in violation of Title 18, United States Code, Sections 1341 and 2 (Count Two); and conspiracy to commit money laundering, in violation of Title 18, United States Code, Section 1956(h) (Count Three);

WHEREAS, the Indictment included a forfeiture allegation as to Counts One and Two of the Indictment, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28 United States Code, Section 2461(c), of any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of Counts One and Two of the Indictment, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of Count One and Count Two of the Indictment;

WHEREAS, the Indictment included a forfeiture allegation as to Count Three of the Indictment, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 982(a)(1), of any and all property, real and personal, involved in the offense charged in Count Three of the Indictment, or any property traceable to such property, including but not limited

to a sum of money in United States currency representing the amount of property involved in the offense charged in Count Three of the Indictment;

WHEREAS, on or about October 20, 2023, the Defendant was found guilty, following a jury trial, of Counts One through Three of the Indictment;

WHEREAS, the Government asserts that \$4,043,798.69 in United States currency represents any and all property, real and personal, that constitutes or is derived, directly or indirectly, from proceeds traceable to the commission of the offenses charged in Counts One through Three of the Indictment, pursuant to Title 18, United States Code, Section 981(a)(1)(C), Title 18, United States Code, Section 982(a)(1), and Title 28, United States Code, Section 2461(c), that the Defendant personally obtained;

WHEREAS, the Government seeks a money judgment in the amount of \$4,043,798.69 in United States currency, representing the amount of proceeds traceable to the offenses charged in Counts One and Two of the Indictment that the Defendant personally obtained and the property involved in the commission of the offense charged in Count Three of the Indictment, for which the Defendant is jointly and severally liable with (i) co-defendant Joseph Maharaj (the “Co-defendant”) to the extent a forfeiture money judgment is entered against the Co-defendant in this case; and (ii) co-conspirators Raymil Perez, 21 Cr. 229 (KMK), and Angel Ayala, 21 Cr. 803 (CS) (the “Co-conspirators”) to the extent forfeiture money judgments are entered against the Co-conspirators for the same conduct charged in the Indictment; and

WHEREAS, the Court finds that as a result of acts and/or omissions of the Defendant, the proceeds traceable to the offenses charged in Counts One and Two of the Indictment, that the Defendant personally obtained and property involved in the commission of

the offense charged in Count Three of the Indictment, cannot be located upon the exercise of due diligence.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. As a result of the offenses charged in Counts One through Three of the Indictment, to which the Defendant was found guilty, following a jury trial, a money judgment in the amount of \$4,043,798.69 in United States currency (the “Money Judgment”), representing the amount of proceeds traceable to the offenses charged in Counts One and Two of the Indictment, that the Defendant personally obtained and the property involved in the commission of the offense charged in Count Three of the Indictment for which the Defendant is jointly and severally liable with the Co-defendant and Co-conspirators, to the extent forfeiture money judgments are entered against Co-defendant and Co-conspirators, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant, SHAWN RAINS and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding money judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to the United States Marshals Service, and delivered by mail to the United States Attorney’s Office, Southern District of New York, Attn: Illicit Finance & Money Laundering Unit, One St. Andrew’s Plaza, New York, New York 10007 and shall indicate the Defendant’s name and case number.

4. The United States Marshals Service is authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

7. The Court shall retain jurisdiction to enforce this Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

Dated: White Plains, New York
February 12, 2024

SO ORDERED:

A handwritten signature in black ink, appearing to read 'N. S. Román', is written over a horizontal line.

HONORABLE NELSON S. ROMÁN
UNITED STATES DISTRICT JUDGE